

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2009-233-T - ORDER NO. 2010-31
JANUARY 21, 2010

IN RE: Application of Mark A. NaGele, 2925) ORDER RESCINDING
Carriage Row Lane, Unit 228, Myrtle Beach,) ORDER NO. 2009-412
SC 29577 (District 1) for a Class C (Taxi))
Certificate of Public Convenience and)
Necessity.)

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion of the Office of Regulatory Staff (ORS) to rescind Commission Order No. 2009-412 issued to Mark A. NaGele (NaGele or the Applicant) as the result of the failure of the Applicant to comply with certain rules of this Commission. By Order No. 2009-412, dated June 25, 2009, NaGele was granted authority to operate as a motor carrier in South Carolina under a Class C (Taxi) Certificate of Public Convenience and Necessity.

In Order No. 2009-412, the Commission directed the Applicant to file, or cause to be filed, with the ORS the proper license fees, proof of liability insurance, and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by 26 S.C. Code Ann. Regs. 103-100 through 103-241 (Supp. 2009) of the Commission's Rules and Regulations for Motor Carriers, and 23A S.C. Code Ann. Regs. 38-400 through 38-503 (Supp. 2009) of the Department of Public Safety's Rules and

Regulations for Motor Carriers, within sixty (60) days of the date of the Order, or within such additional time as may be authorized by the Commission.

Further, Order No. 2009-412 instructed NaGele that the failure to either complete the certification process by complying with the requirements of filing with the ORS proof of appropriate insurance, payment of license fees, and such other information required by law within sixty (60) days of the date of the Order or to request and obtain from the Commission additional time to comply with the stated requirements, may result in the Applicant's authorization being revoked.

By Motion filed December 15, 2009, ORS requests rescission of Order No. 2009-412. According to ORS, NaGele has not filed a compliance review with a "satisfactory" rating from the S.C. State Transport Police as required by 26 S.C. Code Regs. 103-150(3)(a). As a result of NaGele's failure to provide to the ORS a compliance review, ORS states that it has not issued a Certificate of Public Convenience and Necessity to the Applicant and requests that the Order No. 2009-412 be rescinded for the Applicant's failure to comply with the terms of the Order.

After consideration of ORS' Motion, the Commission is of the opinion, and so finds, that Order No. 2009-412 granting Mark A. NaGele authority to provide motor carrier services should be rescinded.

IT IS THEREFORE ORDERED:

1. That Commission Order No. 2009-412, dated June 25, 2009, granting authority to Mark A. NaGele to provide motor carrier services under a Class C (Taxi) Certificate of Public Convenience and Necessity is rescinded.


2. That Docket No. 2009-233-T is closed.

3. That this Order shall remain in full force and effect until further Order of this Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:



John E. Howard, Vice Chairman
(SEAL)